

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ROBERT ALLEN,)	
)	
Plaintiff,)	
)	
-vs-)	Civil No. 03-495-DGW
)	
ANTHONY RAMOS,)	
)	
Defendant.)	

ORDER

Currently pending before the court is Plaintiff's Motion for Reconsideration (Doc. 73). Defendant has filed a response (Doc. 77). For the reasons set forth below, this motion is **DENIED**.

This is a suit brought by a prison inmate under 42 U.S.C. §1983. A jury trial was held in the matter on November 19, 2007. The jury returned a verdict in favor of Plaintiff and against Defendant Ramos in the amount of \$1.00 nominal damages. The Court had previously granted summary judgment in favor of Defendant, ruling that Plaintiff was not entitled to compensatory damages in the amount of \$200,000, as requested, because he had not demonstrated a physical injury (Docs. 39, 41). At trial, the Court ruled that Plaintiff was also not entitled to punitive damages because he had not submitted sufficient evidence to prove he was entitled to punitive damages. Plaintiff now seeks that the Court reconsider both of these rulings.

Evidence of physical injury is required under the Prison Litigation Reform Act before a prisoner plaintiff may receive compensatory damages. See 42 U.S.C. §1997e(e). Plaintiff presented no evidence at trial, or in support of this motion, that he suffered any physical injury that entitles him to compensatory damages. As such, Plaintiff's request for reconsideration of

the Court's previous ruling denying additional compensatory damages is **DENIED**.

Plaintiff is also not entitled to punitive damages. Punitive damages are available to a plaintiff only after "the defendant's conduct is shown to be motivated by evil motive or intent, or when it involves reckless or callous indifference to the federally protected rights of others."

Smith v. Wade, 461 U.S. 30, 56 (1983). Furthermore, "this threshold applies even when the underlying standard of liability for compensatory damages is one of recklessness." Id. The Court ruled at trial that Plaintiff had not submitted sufficient evidence to support an award of punitive damages. Plaintiff presents no additional evidence in support of the motion to reconsider. The Court remains unpersuaded that Plaintiff is entitled to punitive damages. Accordingly, this request for reconsideration of the Court's prior ruling is **DENIED**.

IT IS SO ORDERED.

DATE: September 30, 2008.

s/ Donald G. Wilkerson

**DONALD G. WILKERSON
UNITED STATES MAGISTRATE JUDGE**